

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAFETY SHOT, INC.,

Plaintiff,

v.

CAPYBARA RESEARCH, IGOR
APPELBOOM, and ACCRETIVE
CAPITAL LLC d/b/a BENZINGA,

Defendants.

CIVIL ACTION NO. 1:23-cv-10728-JSR

[PROPOSED] ORDER

Upon the Memorandum of Law in Support of *Ex Parte* Motion for Alternative Service on Defendants Capybara Research and Igor Appelboom Via Electronic Mail as permitted by Fed. R. Civ. P. 4(f)(3) and the Declaration of Eric J. Benzenberg, Esq., executed on the 22nd day of December, 2023, it is hereby

ORDERED that Plaintiff is authorized to serve Defendant Capybara Research its proposed summons and complaint via electronic mail at the email address capybararesearch@proton.me pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure on the grounds that Plaintiff has shown that after a diligent search, Plaintiff is unable to verify a true address that will provide Defendant Capybara Research with reasonable notice of this action, service under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters pursuant to Rules 4(f)(1) and 4(f)(2) of the Federal Rules of Civil Procedure would be impracticable, service by email is permitted under Hague Convention pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure and service by email is reasonably calculated to provide Capybara Research with notice of this action. Such service, once effectuated, will satisfy the Constitutional requirement of actual notice. It is further

ORDERED that Plaintiff is authorized to serve Defendant Igor Appelboom its proposed summons and complaint via electronic mail at the email address igorappelboom@gmail.com pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure on the grounds that Plaintiff has demonstrated service via electronic mail upon a Brazilian individual would not violate the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters and that traditional methods of service would substantially delay the resolution of this matter. Such service, once effectuated, will satisfy the Constitutional requirement of actual notice. It is further

ORDERED that the Clerk of this Court accept the forms of the Summons proposed by Plaintiff.

DATED: New York, New York

_____, 2023

Hon. Jed S. Rakoff
United States District Judge